

The President may exempt any stationary source from compliance with any standard or limitation under this section for a period of not more than 2 years if the President determines that the technology to implement such standard is not available and that it is in the national security interests of the United States to do so. An exemption under this paragraph may be extended for 1 or more additional periods, each period not to exceed 2 years. The President shall report to Congress with respect to each exemption (or extension thereof) made under this paragraph.

The President's discretion may be exercised upon satisfying a showing that (1) the technology is not available for implementing the standard, and (2) the national security interests of the United States warrant the President's exercise of the discretion.

On March 12, 2025, EPA released a fact sheet¹⁰ regarding the MATS RTR as part of "Powering the Great American Comeback" (the Fact Sheet). The Fact Sheet recognizes the regulatory uncertainty for coal plants, including those in North Dakota. It offers the opportunity for "any source interested in a Presidential exemption, should provide their recommendations to EPA by March 31, 2025." This letter responds to this invitation.

III. Minnkota Requests Presidential Consideration to Exempt the Young Station from Compliance with the Revised MATS RTR Standards.

A. The Technology to Implement the MATS RTR Mercury Standard is Not Available.

The revised MATS RTR mercury standard is not demonstrably achievable. Existing mercury control technology has not been shown to meet the new 1.2 lb/TBtu limit. Minnkota presents the information about lignite as a unique fuel and then presents the reasons why technology to implement the new standards is not available.

Lignite Coal

It is well-known and consistent with Minnkota's experience that lignite deposits vary in quality, including fuel combustion performance and mineral content. Relevant but ignored by EPA in the MATS RTR, mercury content in the lignite varies significantly. This means that different areas within the mine yield lignite in varying quality content (including mercury) on a day-to-day basis. Minnkota is adept at pivoting operations at Units 1 and 2 to accommodate for the changing lignite quality to assure compliance with MATS mercury limitations. However, a compliance margin is critical.

Prior to the revised MATS RTR, the mercury emission limitation provided lignite power plants enough leeway to account for high mercury batches of coal, recognizing that mercury emissions are higher from coal with lower heat values.¹¹ Further, to address daily and weekly emissions fluctuations, a 30-day rolling averaging period is essential in addition to maintaining a higher mercury emission rate for this subcategory of fuel.

¹⁰ <https://www.epa.gov/system/files/documents/2025-03/fact-sheet-reconsideration-of-mercury-and-air-toxics-standards.pdf>

¹¹ 77 Fed. Reg. 9304, 9388 (Feb. 16, 2012).